

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Reginald Albert Benjamin

Debtor 1

Lindsey Rae Benjamin

Debtor 2

Chapter 13

Case No. 1:24-BK-01762-HWV

Matter: Motion for Wage Attachment Order

DEBTOR(S)' AMENDED MOTION FOR WAGE ATTACHMENT ORDER

AND NOW, come the Debtor(s), Reginald Albert Benjamin and Lindsey Rae Benjamin, through their attorney, Paul D. Murphy-Ahles, Esquire and DETHLEFS PYKOSH & MURPHY, who files the within Debtor(s)' Amended Motion for Wage Attachment Order and aver as follows:

- 1) Debtor(s) filed a Chapter 13 Petition on or about July 19, 2024.
- 2) Debtor 2, Lindsey Rae Benjamin, receives regular income from employment with **Aveanna Healthcare AS**, which may be attached under 11 U.S.C. §1326 to fund Debtor(s)' Chapter 13 Plan. Debtor(s) have proposed a Plan under which a portion of future earnings or wages is to be paid to the Standing Chapter 13 Trustee, for the benefit of creditors, in the amount of **\$203.54** from each **bi-weekly** paycheck.
- 3) The likelihood of success in this case will be much greater if Debtor 2's income is attached to fund the Plan, and Debtor 2 consents to the wage attachment.
- 5) Debtor 2's employer should be ordered to deduct from Debtor 2's future earnings or wages the periodic amount proposed by the Plan filed herein, and to pay said amount forthwith to the Standing Chapter 13 Trustee appointed by the Court and continue such periodic deductions and payments until such time as the Plan submitted by Debtor 2 is consummated, or until further order of the Court.

WHEREFORE, the Debtor(s) respectfully requests that this Court enter an Order directing the above-mentioned employer to pay the Standing Chapter 13 Trustee in the amount set forth in the attached Order.

Respectfully submitted,

Date: October 22, 2024

/s/ Lindsey Rae Benjamin

Debtor 2

DETHLEFS PYKOSH & MURPHY

/s/ Paul D. Murphy-Ahles

Paul D. Murphy-Ahles, Esquire

PA ID No. 201207

2132 Market Street

Camp Hill, PA 17011

(717) 975-9446

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Attorney for Debtor(s)

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ORDER OF COURT

UPON CONSIDERATION of the above-referenced Debtor(s) having filed a Plan under Chapter 13 of the Bankruptcy Code and having submitted all future income to the jurisdiction of this Court in accordance with statute, IT IS HEREBY ORDERED that until further Order of this Court, the entity from whom Debtor 2, Lindsey Rae Benjamin, receives income from:

Aveanna Healthcare AS
Attn: Payroll Department
400 Interstate North Parkway, SE, Suite 1600
Atlanta, GA 30339

Should deduct from said Debtor 2's income the sum of **\$203.54** from each **bi-weekly** paycheck, or such other sums as Debtor 2 may from time to time direct, beginning on the next pay day following receipt of this Order and deduct a similar amount each pay period thereafter, including any period from which Debtor 2 receives a periodic or lump sum payment as a result of vacation, termination, or any benefits payable to Debtor 2, and to remit the deductible sums to:

Jack N. Zaharopoulos, Esquire
Standing Chapter 13 Trustee
PO Box 6008
Memphis, TN 38101-6008

IT IS FURTHER ORDERED that the entity from whom Debtor 2 receives income shall notify the Standing Chapter 13 Trustee if Debtor 2's income is terminated and the reason, therefore. IT IS FURTHER ORDERED that all remaining income of Debtor 2 except the amounts required to be withheld for taxes, social security, insurance, pension, or union dues be paid to said Debtor 2 in accordance with usual payment procedure. IT IS FURTHER ORDERED that the employer will place the Bankruptcy Case Number and the name of the Debtor(s) on all checks being forwarded to the Standing Chapter 13 Trustee to ensure proper accounting of the funds.

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CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, October 22, 2024, I served a true and correct copy of the **Debtor(s)' Amended Motion for Wage Attachment Order and proposed Order** in this proceeding upon the following:

Via USPS First Class Mail

Aveanna Healthcare AS
Attn: Payroll Department
400 Interstate North Parkway, SE, Suite 1600
Atlanta, GA 30339

Via Electronic Means

Jack N. Zaharopoulos, Esquire
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036

Office of the United States Trustee
Sylvia H. Rambo US Courthouse
1501 North Sixth Street, 3rd Floor
Harrisburg, PA 17102

/s/ Kathryn S. Greene

Kathryn S. Greene, RP®, Pa.C.P.
Paralegal for Paul D. Murphy-Ahles, Esquire